


CRIMINAL COMPLAINT
(Electronically Submitted)

United States District Court		DISTRICT of ARIZONA
United States of America v. Mark ASTORGA DOB: 2005; United States Citizen		DOCKET NO. MAGISTRATE'S CASE NO. 24-00209MJ
Complaint for violation of Title 18, United States Code, § 554(a)		
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION: On or about February 25, 2024, in the District of Arizona, Mark ASTORGA knowingly and fraudulently exported and sent from the United States, and attempted to export and send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, that is: a Walter PPQ 9mm caliber pistol and a Beretta M9A3 9mm caliber pistol along with (2) two 9mm magazines and 13 rounds of 9mm ammunition., knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Parts 736.2, 738, and 774; all in violation of Title 18, United States Code, Section 554(a).		
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED: On February 25, 2024, Mark ASTORGA attempted to exit the United States and enter the Republic of Mexico through the southbound pedestrian lanes at the DeConcini Port of Entry (POE) in Nogales, Arizona. Customs and Border Protection Officers (CBPOs) were conducting outbound inspections when they observed a male later identified as Mark ASTORGA wearing a heavy coat (in 65-degree weather and unlike most of the public this day) and repeatedly looking back at a CBPO. The CBPO attempted to get ASTORGA's attention twice, saying "Hey sir" in English and Spanish, but ASTORGA began walking faster. The CBPO then whistled at ASTORGA , who looked back at the CBPO making direct eye contact with him and began running towards the turnstiles leading into Mexico. The CBPO radioed for assistance and the turnstiles were locked, preventing ASTORGA from exiting the U.S. A search of ASTORGA was conducted, and a hard object was concealed in his groin. ASTORGA stated to the CBPOs "I want to talk to somebody. I am not trying to go away for this." Immediately after securing ASTORGA , the CBPO began searching ASTORGA for weapons he may have attempted to dispose of. The CBPO saw a tan-colored pistol on the ground, south of the turnstiles, approximately 3-4 feet from the international boundary with Mexico. Once in the secured holding area and search of ASTORGA was conducted and a CBPO removed a black pistol from ASTORGA's leg (the pistol had been concealed in his groin but shifted down his leg while walking to the holding area). CBPOs discovered two pistols: a Walter PPQ 9mm caliber pistol and a Beretta M9A3 9mm caliber pistol along with (2) two 9mm magazines and 13 rounds of 9mm ammunition. The firearm found on ASTORGA was the Walther PPQ 9mm with 13 rounds of ammunition inside its magazine.		
(BASIS OF COMPLAINT CONTINUED ON REVERSE.)		
MATERIAL WITNESSES IN RELATION TO THE CHARGE: N/A		
DETENTION REQUESTED Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT BRETT W HEINONEN <small>Digitally signed by BRETT W HEINONEN Date: 2024.02.26 11:55:02 -07'00'</small>
AUTHORIZED BY AUSA <u>R. Arellano</u> <small>RAQUEL ARELLANO Digitally signed by RAQUEL ARELLANO Date: 2024.02.26 11:49:51 -07'00'</small>		OFFICIAL TITLE HSI SA Brett W. Heinonen
Sworn by telephone <input checked="" type="checkbox"/>		
SIGNATURE OF MAGISTRATE JUDGE ¹⁾ 		DATE February 26, 2024

1) See Federal Rules of Criminal Procedure Rules 3, 4.1, and 54

(BASIS OF COMPLAINTANT'S CHARGE AGAINST THE ACCUSED CONTINUED.)

In a post-*Miranda* interview **ASTORGA** stated that a man in Mexico set it all up and had him get the two firearms from a man in Nogales, Arizona. **ASTORGA** said that he was to take the firearms to an unknown man at "Michoacana" in Nogales, Sonora and he was to be paid \$400 United States dollars. **ASTORGA** stated that he knows it's illegal to cross guns into Mexico and that he does not have a license to do so, but he needed the money. When Agents asked **ASTORGA** why he ran from the CBPO, he stated he was scared because they were chasing him. **ASTORGA** said that he didn't try throwing one of the guns into Mexico, it fell out of his pocket.

The firearms and ammunition found on **ASTORGA** and on the ground after they had fallen out of his pocket qualify as United States Commerce Control List items and therefore are prohibited by law for export from the United States into Mexico without a valid license.